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Before the  
**Federal Communications Commission**  
Washington, DC 20554

NOV 18 2004

Federal Communications Commission  
Office of Secretary

**In the Matter of** )  
)  
*Amendment of Section 202(b),* )  
*Table of Allotments,* )  
*FM Broadcast Stations* )  
*(Eatonton and Lexington, Georgia)* )  
)

MB Docket No. 04-379  
RM-11086

Filed With: **Office of the Secretary**

To: **Assistant Chief, Audio Division, Media Bureau**

**COMMENTS OF GEORGIA-CAROLINA RADIOCASTING, LLC**

Georgia-Carolina Radiocasting, LLC, by its attorney, hereby submits its Comments with respect to the *Notice of Proposed Rulemaking*, DA 04-3056 (Sept. 27, 2004), released with respect to this proceeding. With respect thereto, the following is stated:

The NPRM released for comment the proposal of Middle Georgia Communications, Inc., which proposes the substitution of Channel 249C2 for Channel 249C3 at Eatonton, Georgia, the reallocation of Channel 249C2 from Eatonton to Lexington, Georgia, and the modification of Station WMGZ(FM)'s license accordingly. For the reasons stated below, Middle Georgia's proposal is not in the public interest, will not result in a preferential arrangement of allotments, and should not be granted.

First and foremost, the proposal will not place a city-grade contour over the community of Lexington. As the NPRM already notes, "this allotment requires a site restriction of 30.5 kilometers (19.0 miles) southeast to avoid short-spacings to the licensed sites of Station WFOX(AM), Channel 246C, Gainesville, Georgia, and Station WZHT(FM), Channel 251C, Seneca, South Carolina." Middle Georgia's Channel 249C2/Lexington proposal is limited to the

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northwest by Station WFOX(FM), Gainesville, Georgia. Thus, operating at the coordinates proposed by Middle Georgia, the WMGZ/Channel 249C2/Lexington proposal is 30.5 kilometers from Lexington, and is essentially as much to the northwest as it can be without being short-spaced to Station WFOX.

Georgia-Carolina has studied the proposed facility, and as seen in Attachment A, a tower located at the coordinates proposed by Middle Georgia, would be located approximately 2.9 kilometers due South from the sole runway at the Washington-Wilkes Airport. Any tower built at that specified location would be limited in height, to evidently no more than 123.77 meters AGL (286.5 meters AMSL). As seen in Attachment B, at that height, operating at maximum power, the proposal would fail to place a minimal city-grade contour over any portion of the community of Lexington. Moreover, since as noted above, the proposed site coordinates already are as close to Lexington as feasible, the site cannot be moved closer in toward the community of Lexington. Insofar as the Middle Georgia rulemaking proposal proposes a site far (30.5 kilometers) from the community of license, and without running afoul of FAA height limitations proposed city-grade coverage (as required under 47 C.F.R. §73.315(a) of the Rules) therefore cannot be provided to *any* portion of the community of Lexington, the proposal is deficient. *Sebring and Miami, FL*, 10 FCC Rcd 6577 (Chief, Allocations Branch 1995); *La Fayette, GA*, 13 FCC Rcd 2093 (Chief, Allocations Branch 1998); *Terrell and Daingerfield, TX*, 4 FCC Rcd 750 (Chief, Policy and Rules Div. 1989).

Moreover, the proposal would not result in a preferential arrangement of allotments. Station WMGZ currently is assigned to Eatonton, were WMGZ to abandon Eatonton, Eatonton would be left with Station WKVQ(AM) as its sole remaining service. Station WKVQ(AM),

however, is a daytime-only service operating at only 1 kW of power. Moreover, the station reportedly has been silent (without Commission approval) repeated times in the recent past. Since WMGZ departure would deprive Eatonton of its only full-time service, and oftentimes deprive Eatonton of its only operating local service, permitting WMGZ to be reallocated clearly would not result in a “preferential arrangement of allotments” as required prior to permitting any change of community of license (*Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 88 (1992)), and therefore is not appropriately granted. Accord, *Royston and Commerce, GA*, 15 FCC Rcd 5676 (Chief, Allocations Branch 2000); *Clayton, GA*, and *Sylva, GA*, DA 04-1616 (MB 2004)

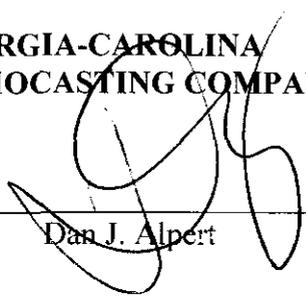
Finally, Middle Georgia has not provided the Commission with the information requested in the NPRM, thereby making its proposal ungrantable. In the NPRM, the Commission specifically stated: “since the petitioner seeks to change its transmitter site, the required gain and loss area data must be provided.” Middle Georgia has already filed its “Comments of Middle Georgia Communications, Inc.” on October 7, 2004. Although Middle Georgia therein reasserts its support of its own proposal, no engineering information has been provided. Insofar as no required gain and loss study has been provided, and even if filed at a later date, parties will not be have time to evaluate it as a part of reply comments during the already-established pleading cycle, the proposal should be denied for this reason, as well.

Accordingly, Georgia-Carolina Radiocasting Company, LLC requests that these Comments be accepted, and that the proposal of Middle Georgia Communications, Inc. for reallocation of Station WMGZ from Eatonton, Georgia, to Lexington, Georgia, be denied.

Respectfully submitted,

**GEORGIA-CAROLINA  
RADIOCASTING COMPANY, LLC**

By: \_\_\_\_\_

  
Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert*  
2120 N. 21<sup>st</sup> Rd.  
Arlington, VA 22201  
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November 18, 2004

# Attachment A

**JOHN P. ALLEN**  
AIRSPACE CONSULTANTS, INC.  
P.O. BOX 1008  
FERNANDINA BEACH, FL 32035-1008\*

JOHN P. ALLEN  
MARY C. LOWE

TELEPHONE (904) 261-6523  
FAX (904) 277-3651

November 18, 2004

Mr. Art Sutton  
Georgia-Carolina Radiocasting Companies  
P.O. Drawer E  
Toccoa, GA 30577

Dear Art:

Pursuant to our conversation, a preliminary aeronautical evaluation was conducted near Washington-Wilkes County Airport, GA, for the purposes of reviewing an antenna tower site. The aeronautical evaluation was conducted in accordance with the standards for determining obstructions to the navigable airspace as set forth in Subpart C of Part 77 of the Federal Aviation Regulations. This aeronautical evaluation is based on published information available from the FAA. All proposed procedures that are not yet published are not taken into account in this evaluation.

COORDINATES: Latitude 33-45-03.00 N - Longitude 82-48-53.00 W  
(North American Datum - 1927)

HEIGHT: 607 feet AMSL 453 feet AGL 1060 feet AMSL  
(PROPOSED)

The evaluation disclosed that the proposed site was located 1.69 nautical miles from the Washington-Wilkes County Airport reference point. The proposal as specified will exceed the standards of Part 77(a)(2) by 215 feet and (a)(5) by 265 feet horizontal surface. The proposed site is located within the missed approach for the VOR/DME or GPS RW 13 standard instrument approach procedure for Washington-Wilkes County. The allowable height is determined by subtracting the required obstacle clearance (250 feet) and any penalty altitude (113 feet - remote altimeter penalty) from the published minimum descent altitude (1,240 feet AMSL) and adding back in the additional height (159 feet) for being in the missed approach. Subtracting 250 and 113 and adding 159 from 1,240 leaves 1,036 feet AMSL. The proposed site is also located within the missed approach for the NDB RW 13 standard instrument approach procedure for Washington-Wilkes

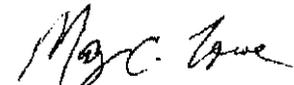
Mr. Art Sutton  
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County. The allowable height is determined by subtracting the required obstacle clearance (350 feet) and any penalty altitude (113 feet - remote altimeter penalty) from the published minimum descent altitude (1,260 feet AMSL) and adding back in the additional height (142 feet) for being in the missed approach. Subtracting 350 and 113 and adding 142 from 1,260 leaves 939 feet AMSL. Another surface of the proposed site is also located within the CAT "C" circling descent area. The allowable height is determined by subtracting the required obstacle clearance (300 feet) and any penalty altitude (113 feet - remote altimeter penalty) from the published minimum descent altitude (1,240 feet AMSL). Subtracting 300 and 113 from 1,240 leaves 827 feet AMSL for overall construction height with a certified site survey attesting to a "2-C" accuracy code. Depending if the FAA is actually using the RASS the height without the RASS is 940 feet AMSL. The last aeronautical effect is to the existing airport traffic pattern. The FAA, in December of 1999 issued a policy statement (99-003) dealing with proposed construction or alterations underneath airport traffic patterns. Based upon the policy statement, the allowable height for this site is 995 feet AMSL. Notice to the FAA is required and the FAA will require marking and marking and lighting at the lowered height.

In conclusion, the proposed site has several problems with the proposed height. The best height that could be expected is 940' AMSL and the worst case would be 827' AMSL.

If there are any questions regarding the evaluation, please do not hesitate to call.

Sincerely,



Mary C. Lowe  
President

## Attachment B

Georgia-Carolina Radiocasting  
MB Docket No. 04-379 □ RM 11086  
Lexington, Georgia  
November 2004

## Comments

These Comments are prepared on behalf of Georgia-Carolina Radiocasting regarding the Middle Georgia Communications, Inc. proposal to add Channel 249C2 at Lexington, Georgia.

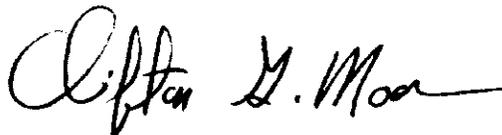
Because of the proximity to the Washington-Wilks Airport, Mary Lowe of John Allen Associates Aviation Consultants has studied the WMGZ Lexington proposed reference coordinates of 33 45 03 North Latitude and 82 48 53 West Longitude for aeronautical clearance. Lowe finds that the maximum height the tower could be constructed is 940 feet AMSL due to category C circling limitations for the airport.

The following drawings therefore have used 940 feet AMSL (286.5 Meters) in order to project the 70 dBu city grade coverage from the highest elevation the FAA will allow. The first wide exhibit shows that the 70 dBu covers none of Lexington, the city of license. The detailed exhibit shows in greater detail the fact that truly none of the city of Lexington, Georgia is served by the 70 dBu contour from the FAA limited height from the proposed reference coordinates.

This site is virtually as near to Lexington as the proponent can locate due to the third-adjacent WFOX, Gainesville. Spacing regulations require this Lexington proposal to be 105 KM from WFOX. The actual distance from the proposed reference coordinates is 105.1 KM. Even if the site were moved the slight .1 KM closer to WFOX, very little of Lexington would be served by the 70 dBu contour.

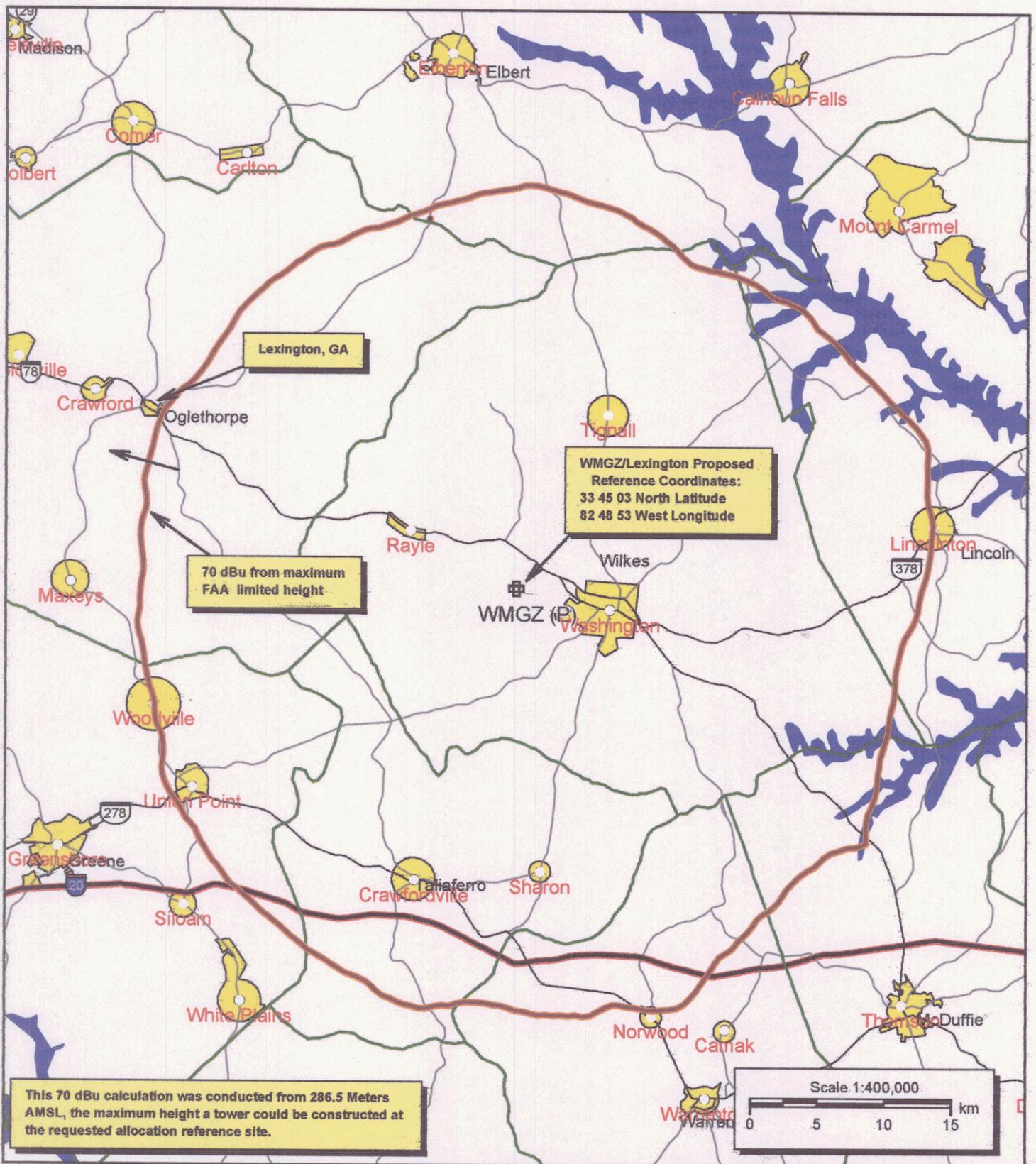
Since Federal Aviation Administration regulations regarding the Washington-Wilks Airport will only allow an FM broadcast tower of 286.5 Meters AMSL to be constructed, the requisite 70 dBu will not cover Lexington, Georgia. This allocation flaw causes this Lexington proposal to be unable to be granted.

All information contained herein is true and correct to the knowledge of the undersigned.

A handwritten signature in black ink, appearing to read "Clifton G. Moor". The signature is fluid and cursive, with a long horizontal stroke at the end.

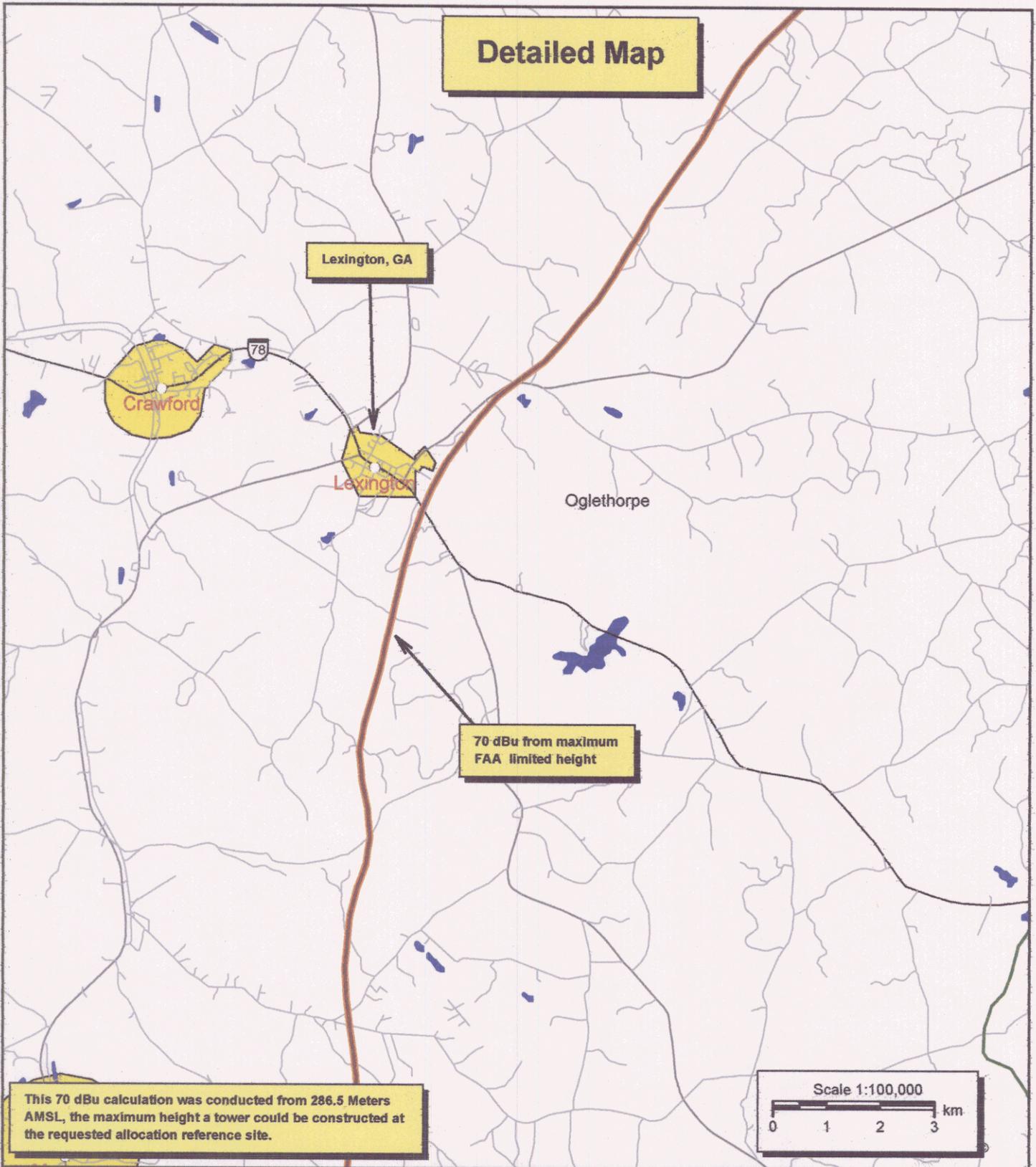
Clifton G. Moor  
Bromo Communications, Inc.

November 18, 2004



**Georgia-Carolina Radiocasting**  
**MB Docket No. 04-379 - RM 11086**  
**Lexington, Georgia**

**Bromo Communications, Inc.**  
 Atlanta, Georgia  
 November 2004



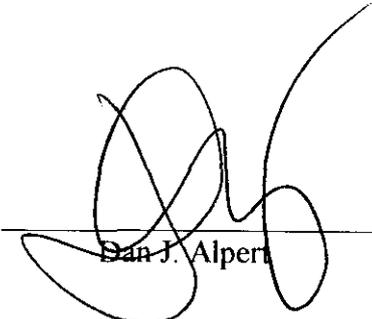
**Georgia-Carolina Radiocasting**  
MB Docket No. 04-379 - RM 11086  
Lexington, Georgia

**Bromo Communications, Inc.**  
Atlanta, Georgia  
November 2004

**CERTIFICATE OF SERVICE**

I, Dan J. Alpert, hereby certify that the attached Comments of Georgia-Carolina Radiocasting, Company, LLC, are being served, via First-Class Mail, upon the following:

Lauren A. Colby, Esq.  
10 E. Fourth Street  
P.O. Box 113  
Frederick, MD 21705-0113



Handwritten signature of Dan J. Alpert, consisting of a stylized, cursive script. The signature is written over a horizontal line.